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To: Commissioner for Patents for Examiner Qamarun Nahar Group Art Unit 2124	Facsimile No.: 703/872-9306
From: Carrie Parker Legal Assistant to Ted Fay	No. of Pages Including Cover Sheet: 28
<p>Message:</p> <p>Transmitted herewith:</p> <ul style="list-style-type: none"><li>• Transmittal Document;</li><li>• Response to Notice of Non-Compliant Appeal Brief;</li><li>• Copy of Notice of Non-Compliant Appeal Brief; and</li><li>• Appeal Brief.</li></ul>	
Re: Application No.: 09/726,014 Attorney Docket No: AUS9-2000-0489-US1	
Date: Thursday, June 16, 2005	
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cole et al.

Serial No.: 09/726,014

Filed: November 29, 2000

For: Business Systems Management:  
Realizing End-to-End Enterprise  
Systems Management Solution

35525

PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

§ Group Art Unit: 2124

§

§ Examiner: Nahar, Qamrun

§

§ Attorney Docket No.: AUS9-2000-0489-US1

§

§ Certificate of Transmission Under 37 C.F.R. § 1.8(a)  
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By: Carrie Parker  
Carrie ParkerTRANSMITTAL DOCUMENTCommissioner for Patents  
P.O. Box 1450  
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Sir:

ENCLOSED HEREWITH:

- Response to Notice of Non-Compliant Amendment; and
- Copy of Notice of Non-Compliant Amendment.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,014	11/29/2000	David William Cole	AUS9-2000-0489-US1	9664
35525	7590	05/16/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			ART UNIT	PAPER NUMBER

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## CLIENT DOCKET INFORMATION

Client Name: AUS9-2000-0489-US1  
 File No. \_\_\_\_\_

DATE	ACTION DOCKETED
06-16-05	Response to Notification of Non-Compliance
	Appeal Brief
Docketed By: <u>ML</u>	Date: <u>06-23-05</u>
Checked By: <u>ML</u>	Date: <u>06-23-05</u>
Attorney Initials: <u>L</u>	Date: <u>5/26/05</u>

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 09/726,014	<b>Applicant(s)</b> COLE ET AL	
	<b>Examiner</b> Qamrun Nahar	<b>Art Unit</b> 2191	

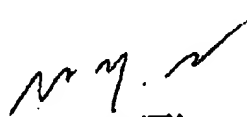
*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

The Appeal Brief filed on 24 January 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the Independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

Regarding item 3 above, an after final amendment was filed on 01/24/2005. Regarding item 4 above, the concise explanation does not refer to the drawings by reference characters.

  
**WEI Y. ZHEN**  
 PRIMARY EXAMINER

Continuation Sheet (PTOL-482)

Application No.